Dear Jim,

11/7/72

Because of your phone call saying that you have completed work on the petition and the memo and want to clean everything up, I dropped what I should be doing to prepare what you asked on the Stanton file. I can't without knowing more or without hedging it to the point where I'd be reluctant to have it filed in court, fearing that the judges would misread it, misinterpret it, or have legitimate doubts based upon the need for the hedging.

I have also taped rudimentary notes on the legal-sized and completely unidentified papers in the same files that you finally sent me late in August. Where these appear bear identifications, they are without real meaning. They are not, for example, dated, either. Not one bears a signature. Those labelled as Stanton's may be prepared from Stanton's. So, I'm saving the tape but I'm not running any risk of misleading or misinforming you.

When you have time we can discuss the qualifiers with which I'd have to preface any affidavit. There are many. The alternative is not only jeopardy to my reputation (among others thatthe nuts with whom you cohabitate) but to run serious risk in the proceeding itself. It is not that my word would be questioned or that my interpretation would. It would all relate to the raw material, what you finally sent me. Completeness, for 1 example.

This, and not as it relates to you, is but another of the intolerable and entirely unnecessary consequences of the mixture of sick ego, sick ambition and endless dishonesty of Bud's behavior and still another affirmation of my wisdom in stipulating the conditions of my undertaking to get Ray to ask him to represent Ray when I suffered the delusion that Bud would keep his word, something he never has and I'm sure never intended to now.

As soon as we hung up ~~zzzzzzzz~~ I called the photo store. Photos not yet located.

Now as it relates to you, I can well understand that there are reasons some of my suggestions would not be incorporated in the final drafts. I want you to know that I believe there are many cases in which if you decided against it you should have discussed this with me. This last-minute ~~in~~ rush is not of my making, not in any way my responsibility, and has been costly to me in many ways, including in the waste of uncompensated time. So, I will not be happy if I feel and especially if it later turns out, as it has in the past, that the judgement used was not the best, that mine is shown by events to have been the correct one. I think you should have taken up with me what you decided to omit unless it was something I labelled optional and particularly if it was something I called important. With all the time that has been crapped away other than here, I will not accept time pressures as an excuse if this eventuates. More, I will regard it as another evidence of less than diligence in the pursuit of the client's and justice's needs. There are already too many, only a few of which you have, in the last minute and on my request, begun to pursue. I don't believe any of these is new and the most recent dates back to early May. The others are as much as about two years old! There was plenty of time to have done these when only an incompetent (not in this case you) wouldn't have done it on his own or as was the case, on request. And you not had these things to do when they should have been done before you were on this, that in itself would have given you time to go over these things with me.

So, be prepared if there are mistakes. I'm not going to take time to look for them, I hope there are none, but the past does not encourage me to expect none. Unless you insist that I drop everything to read the petition and the memo when I get them, I won't because I've had to let many too many things slide to do this as it is and I should be catching up on them. I also have to be away the weekend of 14-6. However, I might get it done while I'm away, for I won't take other work and I will have reading time. At this point I'm not certain I could recall what I suggested be included or changed and I'm not going to go over all the work I've done to check. The simplest way was as you went over these, by marking them for discussion with me. But were you to want me to read those things, the time was after you completed revision and before typing started, not after the supposedly final typing. That you elected to do it this way bears an unfortunately close relationship to one of the things in Howard's memo that I told you I think you should read.

As you made clear, law-schools do not teach investigation. You can't be faulted for this or for a lack of experience in it, and I do not so fault you. But if you are aware of this and then make a mistake, then the fault is yours, whether or not you are under pressure, for your primary obligation is to the client, not the pressure, all of which comes from the primary source of neglect of the client's interest and in precisely the areas complained about in the papers you have been preparing. Or, has that also been lost upon you?

If you live with Bud's fiction that I complain for nothing, without cause, simply because I'm mad at everybody, as he said at Penn, that is your responsibility. In the recent past my complaints have been specific enough to alert you, if not persuade. They were not for the sake of complaint, as you will learn if there are goofs in those papers. Thus, if they do not hold you to account for the mistakes of the past, they did alert you to them and if you ignored them and there are consequences, that becomes your responsibility. I hope this is academic. The earlier drafts in themselves do not make me believe there is no possibility. And if you didn't learn from the simple but costly mistake before Judge Williams, there is nothing I can do to teach you now. (Which is to say nothing of the same kinds of things in the spectro suit, repeated even after I twice caught it.) Bud's notions are not reality simply because he prefers them.

Knowing now that he lies knowing he lies, I do not assume the accuracy of what he attributed to you. What I have sent you will show this. I merely said I thought you should read it. However, what I have noted above that relates to you that I think is wrong bears exactly on what he said and tends to confirm it.

I was not, as you know, angry when you told me you were having the papers retyped without my first reading them, the previous understanding and I think the necessity. I did not make a deal out of Bud's comments at Penn. When you read the memo, if you do, for you have preferred ignorance when I've made similar suggestions in the past, you can decide for yourself whether there was cause.

What angers me is the endlessness of the utter incompetence of everything. (I'm not talking about your revisions, which I haven't seen and therefore can't.) This Stanton thing is just the most recent of the interminable examples. I'm going to have to go over all this shit again and in some way try and make manna out of it. If Bud had kept his word, this situation would not exist and what problems might have would have been addressed not less than a year and a half ago.

This Birmingham trip on which I'm really glad not to be going with you because of the time is but one example. It is almost two years since the offer was made to me. What is when it should have been done, and I should have done it. I'd have copied everything and then decided whether or not it had worth. I'd probably been able to bring it back for Bud to have gone over the originals with me and then copy what we want. Now you have to worry about too many things for which you are NOT responsible, beginning with your own lack of knowledge of all the fact and including such things as what others may have removed. I don't think, for example, that you'll have the time to stop to think about what may be missing when you are going over what is not to see if you want it. Nor will you now have time to seek what may be missing. But do try to bear in mind that you are supposed to be seeing all of Foreman's, Stanton's and Hooker's files as well as Hale's and Hanes'. And when they have been in the possession of others, I suggest that you try to take them to your motel room to work on, especially if you have to be there over or part of a weekend. Because you are going to have to be selective, I think you should have a tape recorder for one use only, making an inventory (and BE SURE IT IS WORKING). You may or may not want one for another purpose. There is a simple switch of which I told you that was supposed to come with your Sony. Get it or, if you can't, try the Sony rake from Bud's machine to see if it fits. It has a switch. There is always the possibility of forgetting to depress the button or not depressing it enough when you make so many starts and stops. With the machine set for record, the switch on the rake is all you have to worry about. I suggest you use only the Sony tapes with the alarm at the ends and on your 20 40, which will sound the alarm. Best of all, however, I suggest that you get Hanes to let you take the files back with you, for then you could return the same day. The cost of taking them back would not greatly exceed that of staying there. And if they are not a whole file drawer, the cost of xeroxing all of them may not greatly exceed the motel bills and related expenses.

As the coming week now looks, I'll be away Monday from about 12:30 until about 2, Wednesday until about 2, and Friday from early until about 10 and again from about 12:30 until about 2. I've be leaving for the weekend Saturday morning.

We are now in one of a series of crunches. I would encourage you to treat me with your own kind unconditioned by that of others, which are dominated by their own fancied needs. I am not being selfish or self-seeking in any of this. If you doubt my word, ask how I can be. The longer it takes you to fully comprehend the situation in which you are working and how to cope with it, the worse the potential. If I hear otherwise, I wish you the best.